

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09CV176-1-MU

JONEKA DARCELL LOVE, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 SOUTH CORRECTIONAL INSTITUTE, )  
 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion to Reconsider, filed May11, 2009.

On April 24, 2009, Petitioner filed a federal habeas petition with this Court. On April 28, 2009, after conducting an initial review of her petition, this Court determined it was untimely. In accordance with the holding in Hill v. Braxton, 277 F.3d 701, 706 (4<sup>th</sup> Cir. 2002), this Court issued a Hill notice that same day and gave Petitioner twenty days in which to respond to the Hill notice. When the Court did not receive a response, Petitioner's petition was dismissed as untimely on May 20, 2009.

It has come to the Court's attention that a response by Petitioner to the Hill notice was received but not docketed by the Court prior to the expiration of her time period under the Hill notice. The Court has reviewed Petitioner's response and determined that it would have had no effect on this Court's ultimate ruling that her federal habeas petition was untimely. That is, Petitioner does not present evidence sufficient to establish that a trigger other than the date her conviction became final should be used to trigger her AEDPA limitation period. Nor does Petitioner

establish that her limitation period should be equitably tolled. Consequently, even after fully considering her response to the Hill notice, this Court finds Petitioner's federal habeas petition untimely.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motion to Reconsider is **DENIED**.

Signed: August 25, 2009

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

